

2817

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Debra D. Wawro *et al.*

Serial No.: 09/707,435

Filed: November 6, 2000

For: RESONANT WAVEGUIDE-GRATING  
FILTERS AND SENSORS AND  
METHODS FOR MAKING AND USING  
SAME

Group Art Unit: 2817

Examiner: Unknown

Atty. Dkt. No.: UTSL:058US/MTG

PATENT  
#8 Election  
Of ON  
12/23/02

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:	
December 6, 2002	<i>Mark T. Garrett</i>
Date	Mark T. Garrett

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**  
**DATED NOVEMBER 6, 2002**

Commissioner for Patents  
Washington, D.C. 20231

Commissioner:

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This paper responds to the Election of Species Requirement dated November 6, 2002, for which the one-month date for response is December 6, 2002.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/UTSL:058US/MTG.

On October 30, 2002, the examiner spoke with applicants' representative and indicated that the Office required an election of species. During the conversation, the examiner indicated

claims 1 and 38 were generic. The examiner also indicated claims 15 and 35 read on species I, claim 36 read on species II, and claim 52 read on species III.

Applicants assume the Office still considers claims 1 and 38 to be generic, though not specified as such in the November 6 election requirement ("the written requirement"). Similarly, applicants also assume the Office still considers: claims 15 and 35 to read on species I set forth in the written requirement; claim 36 reads on species II set forth in the written requirement; and claim 52 reads on species III set forth in the written requirement. Applicants point out, however, that claims 15 and 35 call for only one grating fill factor, not multiple "grating fill factors" as specified in species I. Applicants assume this was merely an Office oversight, and respond as if the Office intended to recite only "grating fill factor" in species I.

With applicants' assumption in place, applicants elect species I for prosecution. The claims-readable on species I are claims 15-35. By making this election, applicants do not necessarily accept the Office's characterization of applicants' figures.

The examiner is invited to contact the undersigned attorney at (512) 536-3031 with any questions, comments or suggestions relating to this application.

Respectfully submitted,



Mark T. Garrett  
Reg. No. 44,699  
Attorney for Applicants

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600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
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Date: December 6, 2002



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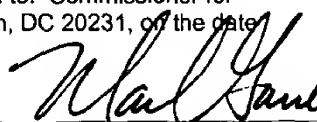
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Commissioner for Patents  
Washington, DC 20231

RE: SN 09/707,435 "RESONANT WAVEGUIDE-GRATING FILTERS AND SENSORS AND METHODS FOR MAKING AND USING SAME" - Debra D. Wawro et al. (Client Reference: UT/ARL:058US)

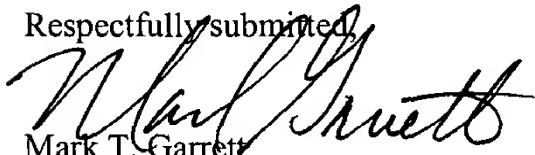
Commissioner:

Please find enclosed a Response to Election of Species Requirement dated November 6, 2002.

No fees are believed to be due in connection with the filing of this Response, however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to the enclosed materials, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No.: 50-1212/10024878/MTG.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

  
Mark T. Garrett  
Reg. No. 44,699

MTG/cmb

Encl: as noted

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